

# KEVIN MALDONADO & PARTNERS LLC

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March 2, 2011

## **VIA ELECTRONIC FILING**

Hon. Arlene R. Lindsay  
U. S. District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: Next Millennium Realty, LLC et al. v. Adchem Corp., et al., 03-05985**

Dear Judge Lindsay:

I represent Next Millennium Realty, LLC, and 101 Frost Street Associates, L.P. as plaintiffs' counsel in the above-referenced matter ("Cost Recovery Action"). This matter was previously assigned to Magistrate Judge Michael L. Orenstein. It is my understanding that the matter has been referred to you. I am writing to respectfully request that a discovery conference be scheduled for this matter.

The Cost Recovery Action was joined with an action brought by the State of New York under Index No. 06-1133 ("State Action"). By Report and Recommendation dated September 24, 2010, Magistrate Judge Orenstein decided that the State Action should be dismissed in its entirety ("Report"). The State filed an Objection to the Report which is currently pending before Judge Sandra J. Feuerstein. Also pending before Judge Feuerstein is a motion to sever the two actions, which may become moot if the Judge Feuerstein adopts the Report.

Whether or not Judge Feuerstein adopts the Report, the Cost Recovery Action will go forward. It is respectfully requested that a discovery conference in the Cost Recovery Action be scheduled. The Cost Recovery Action arises from activities dating back to the 1970-1980 timeframe. Witnesses and principals of the parties are aging and dying. Continued delays in discovery may prejudice my client's ability to prosecute their claims.

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Thank you for your consideration of this request.

Sincerely,



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KEVIN MALDONADO

cc: All counsel via ECF